Claim 35 (previously presented): The gasket according to claim 33, wherein the gasket has a diameter between peripheral side surfaces that contact the inner surface of the syringe barrel of between about 30 mm and about 35 mm.

Claim 36 (previously presented): The gasket according to claim 33, wherein the gasket has a height of between 15 mm and about 18 mm.

Claim 37 (previously presented): The gasket according to claim 34, wherein the first diameter and the second diameter differ by between about 1 mm and about 3 mm.

Claim 38 (canceled).

Claim 39 (previously presented): The gasket according to claim 33, wherein the pre-filled syringe further comprises a luer lock portion formed in a nozzle of the syringe at an end of the syringe barrel opposite the gasket.

Claim 40 (previously presented): The gasket according to claim 33, wherein a second tapered slant is formed between the peripheral side surface of the gasket that contacts the inner surface of the syringe barrel and the restriction.

Claim 41 (canceled).

REMARKS/ARGUMENTS

Claims 1, 3, 6-9, 11, 13, 19-22, and 33-40 are now pending, a total of 20 claims. Independent claims 1, 9, and 33 are currently amended. Claims 2, 4-5, 10, 12, 14-18, 23-32 and 41 are canceled.

The Office Action mailed July 1, 2009 rejected claims 1, 3, 6-9, 11 and 13-40 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. In addition, claims 1, 3, 6-9, 11, 13-40 were rejected under 35 U.S.C. 103(a).

I. Rejection Under 35 U.S.C. §112

Claims 1, 3, 6-9, 11 and 13-38 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement based on the limitation that the barrel be "composed of a polyethylene fiber" recited in independent claims 1, 9, 23 and 33. Independent claims 1, 9 and 33 have been amended to recite that the barrels are composed of "an annular polyolefin fiber", which is expressly recited in the specification (see pages 3-5), and claim 23 has been canceled. Applicant therefore requests withdrawal of this rejection.

II. Rejections Under 35 U.S.C. 103(a)

Claims 1, 3, 6-9, 16-28 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trull (U.S. 6,080,136) in view of Ivey (U.S. 5,976,299) and in further view of Sudo et al. (U.S. 5,009,646). Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trull in view of Ivey and Sudo, and in further view of Akaike et al. (U.S. 5,061,247). Claims 11, 13 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trull in view of Ivey and Sudo, and in further view of Higashikawa (U.S. 5,830,193). Claims 33-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trull in view of Ivey and Sudo, and in further view of Vacca (U.S. 5,531,255.)

A. Independent Claims

Applicant disagrees with Examiner's position that one of skill in the art would believe it obvious to combine the teachings of Trull, Ivey and Sudo to meet all of the recited elements of independent claims 1 and 9. Specifically, Sudo states that solving the problems of slidability and contamination "can be attained by a sliding stopper for a syringe, consisting of a rubber elastic body ***whose part to be contacted with a liquid medicament*** and the part sliding of the inner wall of a barrel are ***fully laminated*** with a film of tetrafluroroethylene resin, ethylenetetra-fluoroetylene resin or ultra-high molecular weight pholyethylene resin ..." Sudo, col. 2, lines 10-16 (emphasis added). Thus, Sudo is directly contrary to and teaches away from the recited element of independent claims 1 and 9 that only the peripheral side surface of the

gasket that contacts the inner surface of the syringe barrel is laminated. Therefore, it would not have been obvious, as Examiner suggests, for one of skill in the art to modify Sudo by omitting the lamination of the part of the gasket that contacts the liquid in the syringe. See MPEP 2141.VI ("A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.").

Because Vacca also does not teach or suggest the limitation of laminating only the peripheral side surface of the gasket that contacts the inner surface of the syringe barrel, independent claim 33 is also patentable over the references cited by Examiner. Accordingly, Applicant requests withdrawal of the rejections under 35 U.S.C. § 103(a) with respect to independent claims 1, 9 and 33.

B. Dependent Claims

Dependent claims 3, 6-8, 11, 13, 19-22, and 34-40 are patentable with the independent claims set forth above. Those dependent claims recite additional features that further distinguish the invention. Accordingly, Applicant requests withdrawal of the rejections under 35 U.S.C. § 103(a).

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance and requests reconsideration of the application. The Examiner may telephone Applicant's undersigned counsel at the number below concerning this application.

Applicant also encloses a Petition for Extension of Time for three (3) months, and Request for Continued Examination. No other fees are believed due with this submission. Should any other fees be due, please charge them to Deposit Account No. 23-2405, Order No. 114474.00014.

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Dated: December 30, 2009

By: _____

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